

Amend Section 101239 to read:

101239     FIXTURES, FURNITURE, EQUIPMENT AND  
              SUPPLIES

101239

(a)     (Continued)

(r)     Fixtures, furniture, and equipment that have been banned or recalled by the United States Consumer Product Safety Commission shall not be used or on the facility's premises.

~~(1)     If the United States Consumer Product Safety Commission authorizes a correction to a banned or recalled item, proof of the correction showing it meets the new United States Consumer Product Safety Commission standards shall be maintained at the child care center and shall be available to the licensing agency for review.~~

Authority cited:     Section 1596.81, Health and Safety Code.

Reference:           Sections 1596.72, 1596.73, 1596.81, 1596.846 and 1597.05, Health and Safety Code.

Amend Section 101416.5 to read:

101416.5 STAFF-INFANT RATIO

101416.5

- (a) In addition to Sections 101216.3(c), (e), (g) and (h), and notwithstanding Sections 101216.3(a), (b), (d) and (f), the following shall apply:
- (b) There shall be a ratio of one teacher for every four infants in attendance.
  - (1) An aide may be substituted for a teacher when all of the following conditions are met:
    - (A) There is a fully qualified teacher directly supervising no more than 12 infants; and
    - (B) Each aide is responsible for the direct care and supervision of a group of no more than four infants.
  - (2) When engaged in activities away from the center, there shall be a minimum of one adult to every two infants in attendance.
    - (A) This ratio may include authorized representatives of infants in care and adult volunteers to supplement the staff-infant ratio.
- (c) The director and the assistant director in an infant care center or a combination center may be counted in the staff-infant ratio when actually working with infants.
- (d) There shall be one teacher to ~~visually observe every 12 sleeping infants provided the remaining staff necessary to meet the ratios specified in (b) above are immediately available at the center.~~
  - (1) An aide who is 18 years of age or older, and who meets the requirements of Sections 101216 and 101216.2(e), may ~~visually observe 12 sleeping infants~~ in be used in place of a teacher if the conditions specified in (d) above are met.
- (e) There shall be provision for overlap of staff for different shifts so that continuity of care is assured.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

Amend Section 101419.2 to read:

101419.2 INFANT NEEDS AND SERVICES PLAN

101419.2

- (a) Prior to the infant's first day at the center, the infant care center director or assistant director shall complete a needs and services plan for the infant.
  - (1) Such plan shall be completed with the assistance of the infant's authorized representative at the personal interview specified in Section 101218.1.
  - (2) The authorized representative shall sign the plan to verify that he/she has participated in preparing it.
- (b) The needs and services plan shall be in writing and shall include the following:
  - (1) The individual feeding plan.
  - (2) Infants ~~12 months of age and younger~~ up to 12 months of age shall have a completed Individual Infant Sleeping Plan [LIC 9227 (~~611/1893/20~~)], which is incorporated by reference.
    - (A) This plan shall be signed and dated by the infant's ~~child's~~ authorized representative.
  - ~~(2)~~(3) The individual toilet-training plan, if applicable.
  - ~~(3)~~(4) Any services needed by the infant that are different from those provided by the center's normal program. Such items shall include but not be limited to:
    - (A) Any special exercises for infants with physical disabilities.
  - ~~(4)~~(5) A plan for subsequent personal interviews with the authorized representative.
- (c) The authorized representative shall be provided with a copy of the needs and services plan and any subsequent updates.
- (d) The needs and services plan shall be included in the ~~child's~~ infant's file.
  - (1) The needs and services plan shall be maintained in the ~~child's~~ infant's file and shall be available to the ~~licensing agency~~ Department for review.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

Amend Section 101429 to read:

101429      RESPONSIBILITY FOR PROVIDING CARE AND  
SUPERVISION FOR INFANTS

101429

(a) In addition to Section 101229, the following shall apply:

(1) Each infant shall be constantly supervised and under direct visual observation and supervision by a staff person at all times. ~~Under no circumstances shall ANY infant be left unattended.~~

(2) Sleeping infant(s) shall be directly observed by sight and sound at all times.

(A) This shall include when ~~they~~ the infants are going to sleep, are sleeping, or are in the process of waking up.

~~A staff person shall be in the designated sleeping area, visually observing and able to hear the infants at all times.~~

~~(A) A transparent wall or half wall does not take the place of a staff person in the designated sleeping area with constant visual supervision.~~

(B) ~~While infants are sleeping~~ Staff shall physically check on sleeping infant(s) every 15 minutes and document ~~for~~ the following:

1. Labored breathing.

2. Signs of ~~overheating~~ distress, which includes but is not limited to flushed skin color, increase in body temperature and restlessness.

3. Infants up to 12 months of age ~~12 months or younger~~ who are sleeping in a position other than on their back.

a. If the infant's Individual Infant Sleeping Plan [LIC 9227 (~~611/1893/20~~)] does not have Section C completed, staff shall return ~~them~~ the infant to their back for sleeping.

4. If staff observes labored breathing or signs of distress as specified in Subsection (a)2(B)(1. or 2)., the procedures outlined in Section 101226 shall be followed. the licensee staff shall obtain emergency medical treatment and immediately notify the infant's authorized representative.

4.5. Documentation shall be maintained in the infant's file and be available to the ~~licensing agency~~ Department for review. Documentation shall include the following:

a. Date.

b. Infant's name.

c. Time of each 15-minute check.

d. Initials of staff person who conducted each check. ~~Staff initials for each check.~~

~~(C) If the staff person observes any of the indicators in subsections (B) 1. or 2. the procedures outlined in Section 101226 shall be followed.~~

~~(C)(D) If any infants are sleeping in a separate room from where the staff are located, staff must be present in the designated sleeping room. In the event a separately walled room is used as a designated sleeping area, staff must adhere to the staff-infant ratio requirements, as specified in Section 101416.5(d), unless there is a half-wall or transparent wall that allows for constant audial and visual supervision.~~

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

Amend Section 101430 to read:

101430 INFANT CARE ACTIVITIES

101430

(a) Notwithstanding Section 101230, the following shall apply:

- (1) The infant care center shall develop, maintain and implement a written plan to ensure the provision of indoor and outdoor activities designed to meet the needs of infants, including but not limited to:
  - (A) Quiet and active play.
  - (B) Rest and relaxation.
  - (C) Eating.
  - (D) Toileting.
  - (E) Individual attention.
  - (F) Being held by a caregiver.
- (2) The center shall ensure the participation of infants in the above activities.
- (3) All infants shall be given the opportunity to nap/sleep without distraction or disturbance from other activities at the center whenever the infant desires.

(A) ~~The licensee~~ Staff shall place infants up to 12 month of age aged 12 months or younger on their backs for sleeping.

1. ~~The This~~ requirements ~~set forth in section 101430(a)(3)(A)~~ shall not apply if the infant has a written medical exemption from a licensed physician that allows for an alternative sleep position. The exemption shall be attached to the there is a written medical exemption for the infant's alternate sleep position completed by a licensed physician included in the Individual Infant Sleeping Plan [LIC 9227 (611/4893/20)] and containing the following criteria:

- a. Instructions on how the infant shall be placed to sleep, including sleep position.
- b. Duration the exemption is to be in place.

i. Upon expiration of the medical exemption, ~~the licensee staff~~ shall follow all requirements set forth in subsection (a)(3)(A).

c. The licensed physician's contact information.

d. Signature ~~and date from the approving licensed physician of the licensed physician and date of signature.~~

~~e.2.~~ The medical exemption shall be included in the infant's ~~child's~~ file and be maintained as specified in Section 101221(d).

~~2.3.~~ Infants with an Individual Infant Sleeping Plan [LIC 9227 (611/1893/20)] that have Section C of the form completed and signed by an authorized representative shall be placed on their back when first laid down to sleep; ~~if~~ in the event the infant changes position, ~~they the infant~~ may remain in the alternative position ~~that suits them.~~

~~a.~~ ~~If the infant is able to roll back and forth for the first time in care the provider may then fill out Section D of the Individual Infant Sleeping Plan [LIC 9227 (6/18)], notify the authorized representative, and obtain the authorized representative signature no later than the next business day.~~

~~a.~~ Upon staff observation that the infant is capable of rolling from their back to their stomach and stomach to their back, the provider shall fill out Section D of the Individual Infant Sleeping Plan [LIC 9227 (44/493/20)], notify the authorized representative, and obtain the authorized representative's signature on the individual sleeping plan no later than the next business day following observation.

~~(A)(B)~~ No infant shall be forced to sleep, to stay awake or to stay in the napping-designated sleeping area.

1. The center is not prohibited from scheduling nap-sleep times for infants over 12 months old.

~~(C)~~ An ~~infants~~ shall not be swaddled while in care.

~~(D)~~ An ~~infant's~~ head shall not be covered while sleeping.

(E) If an infant falls asleep before being placed in a crib, ~~the licensee~~  
~~staff~~ shall move the infant to a crib as soon as possible.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72 and 1596.81, Health and Safety Code.



Amend Section 101439.1 to read:

101439.1 INFANT CARE CENTER ~~NAPPING~~SLEEPING EQUIPMENT 101439.1

(a) (Continued)

(b) ~~A standard size six-year crib or portable -crib meeting United States Consumer Product Safety Commission safety standards the following requirements shall be provided for each infant who is unable to climb out of a crib.:~~

(1) Mattresses shall be firm *and covered* with a fitted sheet that is appropriate to the mattress size, fits tightly on the mattress, and overlaps the underside of the mattress so it cannot be dislodged.

(2) Mattresses shall be made specifically for the size crib in which they are placed.

~~(4)(3)~~ Stacking wall cribs or cribs stacked one on top of another, often referred to as tiered cribs, shall not be permitted.

~~(2)(4)~~ Cribs shall not limit the ability of staff to see the infant.

~~(3)(5)~~ Cribs shall not limit the infant's ability to stand upright.

~~(4)(6)~~ Crib mattresses shall be:

(A) Covered with vinyl or similar moisture-resistant material.

(B) Wiped with a detergent/disinfectant daily and when soiled or wet.

(C) Maintained in a safe condition with no exposed foam, batting or coils.

~~(5) — Cribs equipped with bumper pads shall be covered with vinyl or similar moisture-resistant material. Each crib shall have a sheet to cover the mattress and, depending on the temperature, a sheet and/or blanket to cover the infant.~~

~~(A) — If bumper pads are used, they shall be installed around the entire inner portion of the crib and tied or snapped into place in at least six places.~~

~~(B) — The mattress shall be set at its lowest position and the side rail shall be locked in its highest position.~~

~~(C) Cribs shall have spaces between crib slats of no more than 2 3/8 inches.~~

- (c) Floor mats or cots that meet the requirements of Section 101239.1(b) shall be provided for all infants who have the ability to climb out of a crib.
- (d) Each crib, mat or cot shall be occupied by only one infant at a time.
- (e) Each infant's bedding shall be used for him/her only. Such bedding shall be replaced when wet or soiled, or when the crib, mat or cot is to be occupied by another infant.

(1) Bedding shall be changed ~~and sanitized~~ daily, or more often if required by subdivision (e) above.

~~(A)~~ Soiled bedding shall be placed in a suitable container and made inaccessible to infants until washed or picked up by a commercial laundering service.

~~(f)~~ Cribs shall be free from all loose articles and objects, including blankets and pillows.

(1) Pacifiers shall be allowed in the crib excluded from section 102425 (b) if the following provisions are in place:

~~(A) An infant shall not be forced to take a pacifier when put down to sleep.~~

~~(B)~~ (A) There shall not be anything attached to the pacifier.

~~(C)~~ (B) The pacifier shall be specific to the infant it is being given to.

(2) Bumper pads shall not be used.

(3) There shall be no objects hanging above or attached to the side of the crib.

~~(f)~~ (g) Cribs, mats or cots shall be arranged so as to provide a walkway and work space between the cribs, mats or cots sufficient to permit staff to reach each infant without having to step over or reach over any other infant.

(1) Placement of cribs, mats or cots shall not hinder entrance or exit to and from the napping space.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

Amend Section 102352 to read:

102352 DEFINITIONS

102352

(a) (Continued)

- (i) ~~(4)~~ "Infant" means a child ~~who has not yet reached his or her second birthday~~  
under two years of age.

(j) (Continued)

- (o) ~~(Reserved)~~ "Overnight Care" means care being provided to children ~~through the~~  
~~night anytime~~ between the hours of 6 p.m. and 6 a.m. ~~but not to exceed 24~~  
~~hours.~~ Care provided during the day and overnight combined shall not exceed 24  
hours from the time the child entered into care.

- (p) (1) "Parent" or "Authorized Representative" means any person or entity  
authorized by law to act on behalf of any child. Such person or entity may  
include but not be limited to a minor's parent, a legal guardian, a  
conservator or a public placement agency.

- (2) "Play Yard" means an approved framed enclosure with integrated mesh or  
fabric sides approved that has not been banned or recalled by the United  
States Consumer Product Safety Commission.

- ~~(2)~~(3) "Provider" means anyone providing care to children as authorized by  
these regulations and includes the licensee, assistant provider or  
substitute adult.

(q) (Continued)

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.74, 1596.75, 1596.77, 1596.770, 1596.78, 1596.791,  
1597.44, ~~and~~ 1597.465, and 1596.70, Health and Safety Code; and  
Section 244, Government Code.

Amend Section 102417 to read:

102417 OPERATION OF A FAMILY CHILD CARE HOME

102417

(a) (Continued)

(d) The home shall provide safe toys, play equipment, and materials.

(1) Fixtures, furniture, and equipment that have been banned or recalled by the United States Consumer Product Safety Commission shall not be used for children in care or accessible *to children in care.*

~~(A) If the United States Consumer Product Safety Commission authorizes a correction to a banned or recalled item, proof of the correction showing it meets the new United States Consumer Product Safety Commission standards shall be maintained at the facility and shall be available to the licensing agency for review.~~

(e) (Continued)

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.78, 1596.841, 1596.846~~(b)~~ and ~~(c)~~, 1596.871~~(c)~~(2), 1596.880, 1596.881, 1596.882, 1596.8897, 1597.30, 1597.40, 1597.44, 1597.45, 1597.46, 1597.465, 1597.531 and 1597.54~~(b)~~(2), Health and Safety Code.

Adopt Section 102425 to read:

102425     INFANT SAFE SLEEP

102425

- (a)     There shall be one crib or play yard for each infant who is unable to climb out of the crib or play yard.
- (1)     All cribs or play yards shall meet the United States Consumer Product Safety Commission safety standards.
- (2)     Placement of cribs or play yards shall not hinder entrance or exit to and from the space where infants are sleeping.
- (3)     Mattresses shall be firm and covered with a fitted sheet that is appropriate to the mattress size, fits tightly on the mattress, and overlaps the underside of the mattress so it cannot be dislodged.
- (4)     Mattresses shall be made specifically for the size crib or play yard in which they are placed.
- (5)     Fitted sheets shall be replaced when wet or soiled.
- (6)     Each infant's bedding shall be used for him/her only. Bedding that touches the infant's ~~a child's~~ skin shall ~~should~~ be cleaned at least weekly or before use by another infant child.
- (7)     Soiled bedding shall be placed in a ~~suitable~~ closed container and made inaccessible to infants until washed.
- (b)     Cribs or play yards shall be free from all loose articles and objects.
- (1)     Pacifiers shall be allowed in the crib or play yard ~~excluded from section 102425 (b)~~ if the following provisions are in place:
- ~~(A)~~ ~~An infant shall not be forced to take a pacifier when put down to sleep.~~
- ~~(B)~~ (A) There shall not be anything attached to the pacifier.
- ~~(C)~~ (B) The pacifier shall be specific to the infant it is being given to.
- (2)     Bumper pads shall not be used.
- (3)     There shall be no objects hanging above or attached to the side of the crib.

(c) An Individual Infant Sleeping Plan [LIC 9227 (611/1893/20)] shall be completed for each infant up to 12 month of age 42 months of age and younger the licensee provider has in care and maintained at the facility in the infant's child's record file.

~~(2)~~(1) This plan shall be signed and dated by the infant's child's authorized representative.

~~(3)~~(2) The Individual Infant Sleeping Plan [LIC 9227 (611/1893/20)] shall be maintained in the infant's child's file and shall be available to the licensing agencyDepartment for review.

(d) The licensee provider shall place infants up to 12 month of age aged 12 months or younger on their backs for sleeping.

(1) ~~The~~ This requirements set forth in section 102425(ed) shall not apply if the infant has a medical exemption from a licensed physician that allows for an alternative sleep position. The medical exemption shall be attached to the there is a written medical exemption for the infant's alternate sleep position completed by a licensed physician included in the Individual Infant Sleeping Plan [LIC 9227 (611/1893/20)] and containing the following criteria:

(A) Instructions on how the infant shall be placed to sleep, including sleep position.

(B) Duration the exemption is to be in place.

1. Upon expiration of the medical exemption, the licensee provider shall follow all requirements set forth in Ssubsection (d).

(C) The licensed physician's contact information.

(D) Signature of the licensed physician and date of signature from the approving licensed physician.

~~(2)~~ (E) The medical exemption shall be included in the infant's child's file and be maintained as specified in Section 102421.

~~(2)~~(3) An infant Infants with an Individual Infant Sleeping Plan [LIC 9227 (611/1893/20)] that have has Section C of the form completed and signed by an authorized representative shall be placed on their back when first laid down to sleep. In the event the infant changes position, they may remain in the position that suits them the infant may remain in the alternative position.

~~(A) If the infant is able to roll back and forth for the first time in care, the provider may then fill out Section D of the Individual Infant Sleeping Plan [LIC 9227 (6/18)], notify the authorized representative, and obtain the authorized representative signature no later than the next business day.~~

A. Upon the provider's observation that the infant is capable of rolling from their back to their stomach and stomach to their back, the provider shall fill out Section D of the Individual Infant Sleeping Plan [LIC 9227 (11/193/20)], notify the authorized representative, and obtain the authorized representative's signature on the Individual Infant Sleeping Plan no later than the next business day following observation.

(e) No infants shall ~~not~~ be forced to sleep, to stay awake, or to stay in the designated sleeping area.

(1) The ~~licensee~~ provider is not prohibited from scheduling sleep times for infants over 12 months old.

(f) An ~~infants~~ shall not be swaddled while in care.

(g) An infant's head shall not be covered while sleeping.

~~(g)~~ (h) Car seats shall only be used for transportation purposes and shall not be used for sleeping in accordance with section 102-425(a).

~~(h)~~ (i) If an infant falls asleep before being placed in a crib or play yard, the ~~licensee~~ provider shall move the infant to a crib or play yard as soon as possible.

~~(i)~~ (j) The ~~licensee~~ provider shall supervise infants while they are sleeping and adhere to the following requirements:

(1) The ~~licensee~~ provider shall physically check on the infant every 15 minutes.

(2) The ~~licensee~~ provider shall check and document ~~for~~ the following:

(A) Labored breathing.

(B) Signs of ~~overheating~~; distress which includes but is not limited to ~~overheating~~, flushed skin color, increase in body temperature and restlessness.

(C) Infants up to 12 month of age ~~age 12 months or younger~~ who are sleeping in a position other than on their back.



1. If the infant's Individual Infant Sleeping Plan [LIC 9227 (611/1893/20)] does not have Section C completed, the ~~licensee~~ provider shall return ~~them~~ the infant to their back for sleeping.
- (D) Documentation shall be maintained in the infant's file and be available to the ~~licensing agency~~ Department for review. Documentation shall include the following:
  - a. Date.
  - b. Infant's name.
  - c. Time of each 15-minute check.
- (3) If the ~~licensee~~ provider observes any of the indicators referenced in subsection (2)(A) or (B) above, the ~~licensee~~ provider shall do the following:
  - (A) Immediately notify the infant's authorized representative.
  - (B) Obtain specific instruction from the infant's authorized representative regarding action to be taken and make prompt arrangements to obtain medical treatment if necessary.
  - (C) There shall be no delay in obtaining emergency medical treatment for the infant if the infant's condition requires immediate attention.
- (4) The ~~licensee~~ provider shall be near enough to the sleeping infant to be able to hear them wake up.
- (5) If the infant is sleeping in a separate room from where the ~~licensee~~ provider is stationed, the door to the room the infant is sleeping in shall remain open at all times.
  - (A) The ~~licensee~~ provider shall be able to visually observe the infant without moving the door.
- (6) The ~~licensee~~ provider shall be on the same floor as the sleeping infant.
- (7) A digital video and audio monitoring device may be used in the home ~~in addition to the above requirements for supervision~~ but shall not be used in place of ~~them~~ the requirements ~~enumerated in subsection (j)~~.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Section 1596.847, Health and Safety Code.

Adopt Section 102426 to read:

102426    OVERNIGHT CARE

102426

(a)    To provide overnight care, the ~~licensee~~ provider shall meet the following requirements:

(1)    The ~~licensee~~ provider shall remain awake whenever children are awake.

(2)    The door to the room where the ~~licensee~~ provider is sleeping as well as the door to the room where the children in care are sleeping shall remain open.

(3)    If the sleeping arrangements are not situated in such a way that the ~~licensee~~ provider can be assured of hearing a child *in care* wake up, a digital video and audio monitoring device system shall be used.

(A)    The monitoring device shall be maintained in good working order at all times.

~~(B)    The monitor may be used in place of physically checking the infant every 15 minutes if infant is sleeping and the is going to sleep.~~

(4)    Clean bedding and nightclothes shall be available to children in care.

(b)    To provide overnight care for infants, the ~~licensee~~ provider shall ~~the~~ follow the requirements specified in subsection (a) and section 102425 ~~in addition to 102426~~.

(1)    The monitoring device may be used in place of physically checking the infant every 15 minutes if the infant is sleeping and the provider is going to sleep.

Authority cited:        Section 1596.81, Health and Safety Code.

Reference:              Section 1596.847, Health and Safety Code.